

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

JIHAD SHAHEED UHURU,
Plaintiff,

v.

Civil No. 3:22cv160 (DJN)

RANDY GARDNER, *et al.*,
Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on May 26, 2022, the Court conditionally docketed Plaintiff's action. (ECF No. 3.) At that time, the Court informed Plaintiff that he must keep the Court advised of his current address. By Memorandum Order entered on March 27, 2023, the Court directed Plaintiff to file a particularized complaint. (ECF No. 15.) On April 4, 2023, the United States Postal Service returned the March 27, 2023 Memorandum Order to the Court marked, "RETURN TO SENDER" and Undeliverable/No Longer Here. (ECF No. 16, at 1.) By Memorandum Opinion and Order entered on April 17, 2023, the Court dismissed the action without prejudice, because Plaintiff's failure to contact the Court and provide a current address indicated his lack of interest in litigating this action. *See* Fed. R. Civ. P. 41(b). (ECF Nos. 17, 18.)


On April 27, 2023, the Court received a notice of change of address from Plaintiff. Plaintiff indicated that he mistakenly sent his notice of change of address to the United States Court of Appeals for the Fourth Circuit and then the institution held his mail for seventeen days. (ECF No. 21, at 1.) Therefore, it appeared that Plaintiff attempted to update his address with the Court and that the action should be reopened. Accordingly, by Memorandum Order entered on

May 1, 2023, the Court ordered that the April 17, 2023 Memorandum Opinion, Order and Clerk's Judgment be vacated and the action be reopened, and the Court continued to process the action. (ECF No. 22.)

By Memorandum Order entered on May 4, 2023, the Court once again directed Plaintiff to file a particularized complaint. (ECF No. 23.) The Court warned Plaintiff that he had thirty (30) days from the date of entry thereof to comply with the Court's directives or the action would be dismissed without prejudice. *Id.* Instead of filing a particularized complaint, Plaintiff filed a Motion to Appeal that was construed as a notice of appeal and forwarded to the Fourth Circuit. (ECF No. 24.) More than thirty (30) days have elapsed since the entry of the May 4, 2023 Memorandum Order. Plaintiff failed to file a particularized complaint or otherwise respond to the May 4, 2023 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 41(b).

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

It is so ORDERED.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: July 17, 2023